

ENTERED

January 06, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONCLIFFORD F. TUTTLE, JR., *et al.*,

Plaintiffs,

VS.

CITY OF HOUSTON, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:21-CV-00270

ORDER

Before the Court are the Nicholas and Tuttle Plaintiffs' (collectively, "Plaintiffs") Motion to Dismiss Pursuant to Rule 41(a)(2) Individual Defendants Eric Sepolio, Manuel Salazar, Thomas Wood, Oscar Pardo, Frank Medina, Clemente Reyna, Cedell Lovings, and Nadeem Ashraf (collectively, the "Defendant Officers") (the "Motion to Dismiss") (Doc. #432) and the Defendant Officers' Response (Doc. #434).

Plaintiffs filed the Motion to Dismiss on November 21, 2024, seeking to dismiss their remaining claims against the Defendant Officers without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Doc. #432. The Defendant Officers opposed dismissal without prejudice at this late stage of the case. *See* Doc. #434. On December 19, 2024, the Court entered an Order determining that the Motion to Dismiss should be granted, but that the Defendant Officers should be dismissed from this case *with prejudice*. Doc. #436 at 6. However, before ordering the dismissal of the Defendant Officers, the Court granted Plaintiffs an opportunity to withdraw their Motion to Dismiss by January 3, 2025. *Id.* The Court specifically advised that "[i]f Plaintiffs do not withdraw their Motion to Dismiss, the Court will order the dismissal of the Defendant Officers

with prejudice.” *Id.* To date, Plaintiffs have not moved to withdraw their Motion to Dismiss. As such, the Court finds that the Motion to Dismiss should be granted with prejudice pursuant to Rule 41(a)(2).

In conclusion, Plaintiffs’ Motion to Dismiss (Doc. #432) is hereby GRANTED IN PART. Specifically, all of Plaintiffs’ claims against Defendants Eric Sepolio, Manuel Salazar, Thomas Wood, Oscar Pardo, Frank Medina, Clemente Reyna, Cedell Lovings, and Nadeem Ashraf are hereby DISMISSED WITH PREJUDICE. This Order does not affect or operate to exhaust any remaining asserted claims against other parties.

It is so ORDERED.

JAN 06 2025

Date



The Honorable Alfred H. Bennett
United States District Judge